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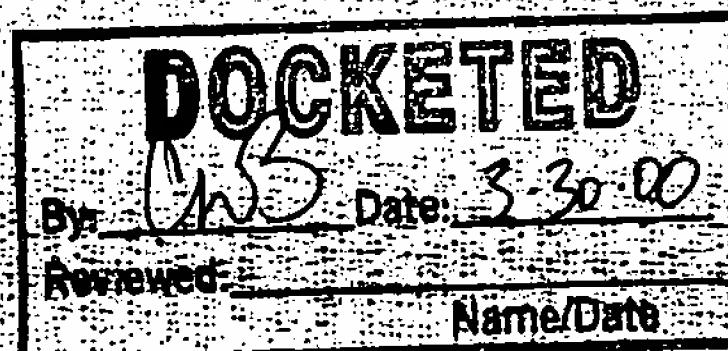
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ASSISTANT COMMISSIONER OF PATENTS  
SIR/MADAM: PLEASE ACKNOWLEDGE RECEIPT OF THE ENCLOSED:

(1) Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371 (Form PTO-1390) (2 pages)  
(2) Check in the amount of \$943.00 (#41597)  
(3) Certificate of Express Mailing No. EL348124625US dated 30 March 2000  
(4) Verified Statement Claiming Small Entity Status by Vanderbilt University (2 pages)  
(5) Verified Statement Claiming Small Entity Status by Avatar BioSci, Inc. (2 pages)  
(6) Declaration/Power of Attorney by Rubin, Organ & Dubois (4 pages)  
(7) Return-receipt postcard

IN RE APPLICATION OF: Rubin et al.  
TITLE: "MAMMALIAN GENES INVOLVED IN VIRAL INFECTION AND SUPPRESSION"  
SERIAL NO.: Unassigned  
BASED ON: PCT/US98/21276  
INTERNATIONAL FILING DATE: 8 October 1998  
ATTORNEY DOCKET NO.: 01123.0004  
JAK:DGP:mmd

EL348124625US





ATTORNEY DOCKET NO. 01123.0004US  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of )  
Rubin et al. )  
Serial No.: 09/509,712 ) Group Art Unit: 1648  
Filed: March 31, 2000 ) Examiner: Foley, S.  
For: MAMMALIAN GENES INVOLVED IN ) Confirmation No. 8103  
VIRAL INFECTION AND TUMOR )  
SUPPRESSION )

**COMMUNICATION ACCOMPANYING ISSUE FEE TRANSMITTAL**

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer No. 23859

May 14, 2004

Sir:

Concurrent with the payment of the issue fee, applicants provide this Communication to state that the Small Entity status as set forth on the Issue Fee Transmittal form for the above-identified patent application is incorrect. Two (2) Verified Statements Claiming Small Entity Status, one from Vanderbilt University and one from Avatar Biosci, Inc., were filed concurrently with the Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371 for this application, with the U.S. Patent and Trademark Office (PTO) on March 30, 2000. A copy of the Verified Statements, as well as a copy of the Transmittal Letter and postcard accompanying same, are included herewith.

**ATTORNEY DOCKET NO. 01123.0004  
U.S. Serial No. 09/509,712**

The issue fee is being paid concurrently herewith by Credit Card Payment Form PTO-2038 in the amount of \$701.00 (\$665.00 issue fee for small entity and \$36.00 for 12 soft copies of the patent) and therefore, no additional fee is believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

  
\_\_\_\_\_  
Lizette M. Fernandez  
Registration No. 46, 694

NEEDLE & ROSENBERG, P.C.  
Customer No. 23859  
678/420-9300 PHONE  
678/420-9301 FACSIMILE

I hereby certify that this COMMUNICATION ACCOMPANYING ISSUE FEE TRANSMITTAL is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

  
\_\_\_\_\_  
Lizette M. Fernandez

  
\_\_\_\_\_  
5/14/04  
Date

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORN.

DOCKET NUMBER

01123.0004

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

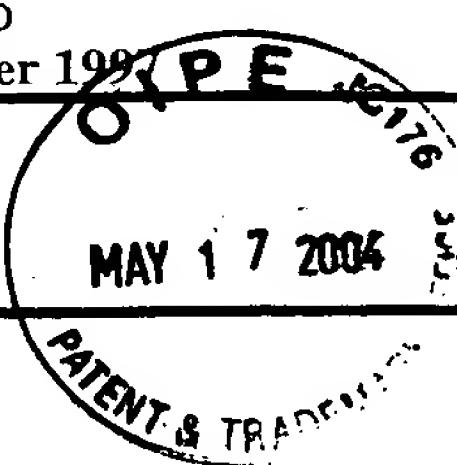
INTERNATIONAL APPLICATION NO.  
PCT/US98/21276INTERNATIONAL FILING DATE  
8 October 1998PRIORITY DATE CLAIMED  
10 October 1997 P.E. 2176

## TITLE OF INVENTION

MAMMALIAN GENES INVOLVED IN VIRAL INFECTION AND TUMOR SUPPRESSION

## APPLICANT(S) FOR DO/EO/US

RUBIN, Donald H.; ORGAN, Edward L.; DUBOIS, Raymond N.



Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.  A copy of the International Search Report (PCT/ISA/210).
8.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
9.  A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 13 to 18 below concern document(s) or information included:

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A **FIRST** preliminary amendment.  
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16.  A substitute specification.
17.  A change of power of attorney and/or address letter.
18.  Certificate of Mailing by Express Mail
19.  Other items or information:

Check in the amount of \$943.00 for filing fees; return-receipt postcard; Certificate of Express Mailing No. EL348124625US; Verified Statements Claiming Small Entity Status signed by Vanderbilt University and by Avatar BioSci, Inc.

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR)

INTERNATIONAL APPLICATION NO.

PCT/US98/21276

ATTORNEY'S DOCKET NUMBER

01123.0004

20. The following fees are submitted:

## BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

<input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO .....	\$840.00
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) .....	\$670.00
<input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....	\$760.00
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$970.00
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....	\$96.00

## CALCULATIONS PTO USE ONLY

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$840.00

Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).

 20     30

\$0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	29 - 20 =	9	x \$18.00	\$162.00
Independent claims	11 - 3 =	8	x \$78.00	\$624.00
Multiple Dependent Claims (check if applicable).			<input checked="" type="checkbox"/>	\$260.00

TOTAL OF ABOVE CALCULATIONS =

\$1,886.00

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).

\$943.00

SUBTOTAL = \$943.00

Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).

 20     30

+

\$0.00

TOTAL NATIONAL FEE = \$943.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

\$0.00

TOTAL FEES ENCLOSED = \$943.00

Amount to be: refunded	\$
charged	\$

 A check in the amount of \$943.00

to cover the above fees is enclosed.

 Please charge my Deposit Account No.

in the amount of

to cover the above fees.

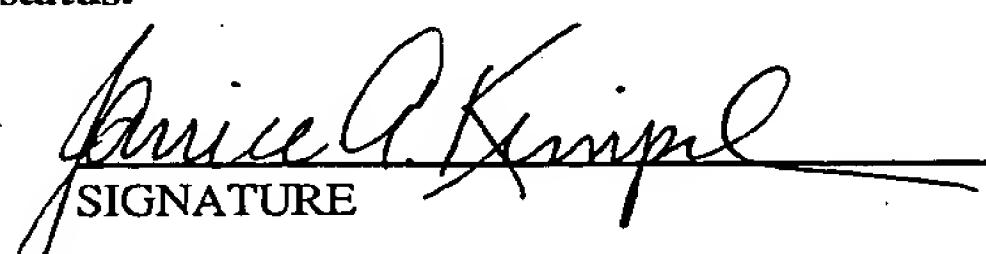
A duplicate copy of this sheet is enclosed.

 The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 14-0629 A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Janice A. Kimpel, Ph.D.  
 NEEDLE & ROSENBERG, P.C.  
 127 Peachtree Street, N.E., Suite 1200  
 Atlanta, Georgia 30303 U.S.A.  
 (404) 688 0770



SIGNATURE

Janice A. Kimpel

NAME

42,734

REGISTRATION NUMBER

March 30, 2000

DATE